

## REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 2-14 and 16-17 are pending and under consideration. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

#### **I. Examiner Interview**

Appreciation is expressed to the Examiner for the telephone interview granted by the Examiner on May 14, 2008. During the interview, the recited “one touch opening part” of the independent claims was discussed with respect to the prior art reference to Miyashita (U.S. Patent No. 6,731,912). Based on this discussion, the Examiner suggested filing an after final response that included a detailed discussion regarding the difference between the “one touch opening part” of the independent claims and the embodiment shown in Figs. 10-11 of Miyashita. Accordingly, Applicants have submitted the following remarks in accordance with this discussion. Other points raised during the interview are also included in the comments below.

#### **II. Rejection under 35 U.S.C. § 103**

In the Office Action, at pages 3-5, claims 12-14 were rejected under 35 USC § 103(a) as being unpatentable over Miyashita (U.S. Patent No. 6,731,912) in view of Beutler et al. (U.S. Patent No. 5,933,330).

Miyashita and Beutler et al., alone or in combination, do not discuss or suggest:

a first housing;  
a second housing foldable over said first housing; and  
a hinge part that foldably connects said second housing to said first housing around a rotational center axis,  
wherein said hinge part includes:  
a one touch opening part that automatically opens said second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing,

as recited in claim 12. In other words, the invention of claim 12 includes a first housing and second housing, wherein the second housing is **foldable over** the first housing around a rotational center of axis via a hinge. Claim 12 further provides a **one touch opening part** that opens the second housing, **around the rotational center axis** relative to a first housing, in a non-stop motion from a **folded state** by a **callable angle** that enables a user to call **without further opening the second housing**. The Examiner indicates that Miyashita teaches a one touch opening part that corresponds to the one touch opening part of claim 12. However, this is submitted to be incorrect because the Examiner's interpretation of Miyashita appears to be in error. In rejecting claim 12, the Examiner makes reference to the embodiment of Miyashita shown in Figs. 10-11, which clearly illustrates a mobile radio communication apparatus that includes a second housing 52 that is foldable with respect to a first housing 50 around a hinge part 54A. However, Miyashita does not disclose that the hinge part 54A includes a **one touch opening part** that opens the second housing 52 relative to the first housing 50 in a **non-stop motion** from a folded state by a callable angle that enables a user to call without further opening the second housing. In fact, Miyashita actually teaches away from the invention of claim 12 by requiring a **manual opening** of second housing 52 with respect to first housing 50.

In rejecting claim 12, the Examiner also makes reference to a **separate embodiment** of Miyashita (shown in Fig. 8) as disclosing automatically opening the second housing from the first housing around the rotational center of axis in a non-stop motion (Miyashita, Fig. 8; col. 7, lines 22-25). The Examiner appears to indicate that the movable portion 18 of Miyashita corresponds to a second housing that rotates, from a folded state around a rotational center axis relative to a first housing, into a callable position. However, the movable portion 18 of Miyashita does not correspond to the second housing of either claim 12 or the second housing 52 of Figs. 10-11 of Miyashita. The movable portion 18 of Miyashita is **not in a folded state** with respect to the casing 10 (see Fig. 8 of Miyashita). As such, it follows that the movable portion 18 of Miyashita)

does not rotate around a rotational center axis of two folded housings. As such, the movable portion 18 of Miyashita does not correspond to the second housing of claim 12, such that a one touch opening part opens a second housing from a **folded state around a rotational center axis** relative to a first housing.

Furthermore, the Examiner appears to contradict himself by indicating that casing 50 (as illustrated in Figs. 10-11 of Miyashita) also corresponds to the second housing of claim 12. However, Miyashita does not provide for a one touch opening part that opens the second housing 50 from a folded state around a rotational center axis relative to the first housing 52. Beutler et al. has been cited by the Examiner merely as an example of a damper in a portable phone apparatus and fails to make up for these deficiencies in Miyashita.

Since Miyashita and Beutler et al., alone or in combination, do not discuss or suggest all of the features recited in claim 12, claim 12 patentably distinguishes over Miyashita and Beutler et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 13 depends directly from claim 12, and includes all the features of claim 12, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 13 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Miyashita and Beutler et al., alone or in combination, do not discuss or suggest:

a one touch opening part that automatically opens the second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing,

as recited in claim 14, so that claim 14 patentably distinguishes over Miyashita and Beutler et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 6-9, claims 2-11 and 16-17 were rejected under 35 USC § 103(a) as being unpatentable over Miyashita in view of Andrews et al. (6,439,905).

As discussed above, Miyashita do not discuss or suggest:

a hinge part that foldably connects said second housing to said first housing around a rotational center axis, the hinge part including a one touch opening part that automatically opens said second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing, and an auxiliary rotational part that rotates said

second housing around an orthogonal shaft orthogonal to the rotational center axis of said hinge part,  
as recited in claim 7. Andrews et al. has been cited by the Examiner merely as an example of a flexible printed circuit board and fails to make up for these deficiencies in Miyashita.

Since Miyashita and Andrews et al., alone or in combination, do not discuss or suggest all of the features recited in claim 7, claim 7 patentably distinguishes over Miyashita and Andrews et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-6 and 8-11 depend either directly or indirectly from claim 7, and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-6 and 8-11 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Miyashita and Andrews et al., alone or in combination, do not discuss or suggest:

a hinge part that foldably connects said second housing to said first housing around a rotational center axis, the hinge part including a one touch opening part that automatically opens said second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing, and an auxiliary rotational part that rotates the second housing around an orthogonal shaft orthogonal to the rotational center axis,

as recited in claim 16, so that claim 16 patentably distinguishes over Miyashita and Andrews et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 17 depends directly from claim 16, and includes all the features of claim 16, plus additional features that are not discussed or suggested by the cited prior art. Therefore, claim 16 patentably distinguishes over the cited prior art for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

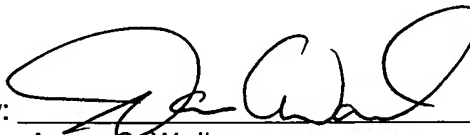
Serial No. 10/790,883

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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